



Town of Camden
Minutes of the Select Board Meeting
June 5, 2012
7:00pm

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PRESENT: Chairperson Martin Cates, Vice Chairperson Morgan Laidlaw, John French, Jr., James Heard, Donald White, and Town Manager Finnigan. Also present were members of the press and public.

1. Call to Order

Chairperson Cates announced that the Annual Town Report had been published and that it had been dedicated to former Town Manager Roberta Smith. He thanked Smith for her hard work on behalf of the Town during the nine years she served. Smith expressed her gratitude and said she was honored to receive the dedication.

2. Communications, Presentations, and Recognitions

A. Downtown Camden Business update

Flint Decker, representing the Camden Downtown Business Group, reported to the Select Board on the "Business is Blooming" weekend that was held in Camden on the weekend of May 18th. He said that the event had been a success and that twenty-five new or relocated businesses had been welcomed to town. Decker thanked the Board for granting permission for the sidewalk sales that were conducted that weekend.

Meg Quijano and Bernice Berger, Camden business owners and members of the CDBG, also spoke in support of the event. Berger said that she feels there is new energy in the town, and that new ideas like this one are resulting from it.

B. Presentation of the "Freedom Award" by the Employer Support of the Guard and Reserve

Greg Small, Executive Director of Maine's Employer Support of the Guard and Reserve, honored the Town of Camden's Police Department for being one of 30 employers chosen as finalists for the 2012 Secretary of Defense Employer Support Freedom Award. He said that the 30 finalists had been selected by a review board from the 3,236 nominations that had been received this year. Small explained that the Freedom Award is the Department of Defense's highest recognition given to employers and that only 160 employers have received the Freedom Award since it was established in 1996.

Members of Camden's Police Department, Patrick Polky and Allen Weaver, were honored for their service to their country as National Guardsmen serving in Iraq and Afghanistan. Chief Gagne spoke on behalf of the Department, saying that this had been a joint effort between past and current employees of the Town. Retired General Rob Carmichael also spoke, commending the Town for its support of the soldiers and their families during their deployments.

C. Presentation by the Town of Islesboro regarding the proposed LPG Tank and Terminal project in Searsport

Arch Gilles, Selectman for the Town of Islesboro, asked the Camden Select Board to consider joining Islesboro in sending a letter to the Searsport Planning Board alerting them that the proposed development of an LPG facility raises issues that impact the entire mid-coast. He said such a letter would hold a place at the decision table so that Camden could become part of the process of examining the regional impact of the proposed LPG project.

Steve Miller, an environmentalist from Islesboro and head of the Islesboro Island Trust, said that the Coast Guard had reported that the introduction of LP carriers to the Penobscot Bay waterway presents a higher level of risk than existing marine traffic. Miller described hazard zones, or zones of concern, which include Rockland, Rockport and Camden. He also described the exclusion zone that accompanies a tanker as it moves, measuring one mile wide, a mile in front, and a half mile astern. Lastly Miller spoke about emergency response capacity that is available in our region of the coast.

Chuck Verrill, a lawyer who resides on Islesboro, said that during this process the Army Corps of Engineers elected to deny their request for a public hearing and had issued a cursory report regarding the capacity to respond to risk in the event of a catastrophic explosion.

Kim Tucker, resident of Islesboro and a lawyer, told those present that four towns had requested that the Army Corps of Engineers hold a public hearing due to the regional impact of the project in question, but that the hearing had been denied. Tucker encouraged the Camden Select Board to assert a standing in the process by sending a letter to the Searsport Planning Board so that Searsport will consider the regional impact of their decision. She discussed the level of emergency preparedness that will be required if the facility is built.

Chairperson Cates invited public comment on the issue for those who wished to speak.

Thomas Michaels, resident of Camden, said he was concerned about the increased vehicle traffic that could result if the facility were built and what that traffic could do to our roads. Michaels said he feels that this is a regional decision, not just a Searsport decision.

Jean Angelo Gallace of Camden spoke also about truck traffic that would result from the Searsport LPG project. He said that 150 trucks back and forth could mean 300 trips through Camden. Gallace also discussed the amount of electricity that will be required by the tank.

Ben Ellison told the Board that he does not see a great impediment resulting from eighteen more tankers moving up and down the Bay. He also said we don't have the right to say "not on our Bay." Ellison said we have a good deep-water Bay for shipping, and right now 170 tankers a year pass through the Bay's waters. He noted that the tankers have a good safety record.

Dana Strout of Camden noted that 55,000 trucks per year will be coming out of the

facility in Searsport and said that he was concerned about the safety hazards. He added that the project permits have been pushed through too quickly and urged our town officials to state that they would like a place at the table.

Alex Cohen commented that crafting a letter to say that we want to be involved in the process seems like a reasonable idea. He said he felt we should participate so that we can learn more about the issue. Cohen noted that simply participating doesn't mean we agree or disagree, it just says we want to be involved in the process.

Randall Parr told the Board that the tank proposed by DCP would hold 22.7 million gallons of flammable fuel, and that the largest accident ever had occurred where there were under 3 million gallons stored. If the tank ignites, he said, it would cause an explosion equivalent to 1.9 megatons of TNT. Parr likened the potential explosion to an atomic bomb.

Tom Hopps of Camden said that he feels there was no reason to support the proposed LPG terminal at Mack Point and urged the Board to participate in this initial step.

Adam Philbrook, a pilot with the Penobscot Bay and River Pilots, said that he and his colleagues take every safety precaution possible when piloting tankers through the Bay. He emphasized that they are very proactive when it comes to safety.

Abe Baggins spoke, noting that we live in a democracy where the dissemination of information is essential. He said that keeping the door open by sending the letter to the Searsport Planning Board will allow us to weigh in and look at all the pros and cons. He concluded by saying that since there's an issue, it needs to be discussed.

Jen Porter asked the Select Board not just to write the letter to Searsport officials, but also to talk to Representative Mike Michaud about the issue. She commented that we need to take a look at why things got passed so quickly through the permitting process.

Chairperson Cates closed the floor to public comment and opened it to comments from the Board.

Donald White thanked those who spoke for delivering information regarding the proposed LPG project in Searsport. He said that while he is aware that the proposed LPG project will impact the mid-coast, he said he also feels that decisions regarding the permitting process lie with the local community and state and federal agencies. White told the Board he would favor a motion to have the Town Manager draft a letter to send to the Searsport Planning Board expressing Camden's concerns that the LPG project may have a negative impact on our nautical tourism business. Sending the letter would give Camden a standing as the process moves forward, White said, and he suggested that the letter urge the Searsport decision makers to be sensitive to the entire mid-coast when making their decisions.

Morgan Laidlaw quoted a March 28th Bangor Daily News article in which the president of Penobscot Bay and River Pilots wrote that the terminal is crucial to the midcoast and beyond. The article pointed out that the port provides an economic benefit to the area. With regard to the question of writing a letter to the Town of Searsport, Laidlaw said he feels that we should have a place at the table so we can have a say as the process moves

forward.

John French told the Board that he is in favor of the Searsport LPG project, that he feels it's an opportunity for lower cost fuel and an opportunity for the State. He added that he is certain that our public safety departments are ready to do their jobs and to volunteer to assist neighboring towns when needed. With regard to the letter, French said he feels that decisions with regard to what happens in Searsport should be up to their own town officials.

James Heard said that he is never pleased when large corporations are allowed to get away with more than they should, and that he is in favor of having a letter crafted by the Town Manager and signed by the Select Board that indicates that we would like to have a position at the table as the LPG tank issue is addressed.

Martin Cates told those present that he has a hard time interfering with Searsport's process. He said that he had heard views on the LPG project from residents around Camden and that not all those viewpoints had been represented there at the meeting, although they had heard from many people who do not reside in Camden. He said he is not comfortable with taking our views to Searsport.

Donald White made a motion that the Town Manager send a letter to the Searsport Planning Board with copies going to other Searsport Town Officials about Camden's concerns about the impact the proposed LPG project may have on our town. James Heard seconded the motion. It was passed by a vote of 3-2-0, French and Cates opposed.

D. Communication from West Bay Rotary Club re: 2012 Duck Derby

Pat Finnigan said that the West Bay Rotary Club had extended its thanks to the Town and staff for their help with their recent Duck Derby fundraising event, which netted around \$6,000 in donations for community charities that the Rotary supports.

3. Citizen Comments

Jean Angelo Gallace spoke about the fireworks displays that go on through the year, saying that they disturb pets and nesting ospreys in the area of the launch site, and that the vibration disturbs programs on his computer.

4. Approval of Select Board Minutes of May 15, 2012

James Heard made a motion to accept the minutes of the May 15, 2012 meeting as presented. The motion was seconded by John French. It was unanimously approved.

5. Select Board Member Reports

Donald White reported that he had attended a meeting of the Camden Public Library Trustees on May 17th where they had had a lengthy discussion about a multi-year program involving students and authors.

White said he had also attended a meeting of the Planning Board on the same day where the Board continued its technical review of the two-town Maple Grove subdivision. The Planning Board had also held a public hearing for a wireless telecommunications facility on

the Brace Building. Lastly, they had continued discussions about non-conforming issues.

The Sign Working Group of the Planning Board had met last week, White reported, and had continued its review of the town's Sign Ordinance. He said that the working group is adjourned until fall, and that Richard Householder and Jan McKinnon will be passing proposed changes on to the Planning Board on June 21st.

6. **Town Manager Report**

Town Manager Finnigan reminded everyone that the Town Meeting would be held the following week, with voting day on June 12th and the Town Meeting floor vote at the Opera House on June 13th. Finnigan said that if people aren't registered to vote, they could register either at the Town Office during regular office hours or on voting day. She added that absentee ballots were available at the Town Office.

The Town Manager reported that the Route One paving project was starting that evening and MDOT informed her that the contractor would have it finished by 7:00 a.m. Wednesday, weather permitting. She also noted that the crosswalks would soon be installed with the look of brick pavement.

Finnigan reported that the Mid-coast Economic Development District is putting together an economic development plan, and that the Ragged Mountain Redevelopment Project is considered one of the priorities of the plan.

She noted that the State Department of Transportation will be in Camden on June 29th for a site visit relating to the grant applications that the Town had submitted for Harbor Improvements, the Camden-Rockport Sidewalk, and Downtown Improvements.

Lastly, Finnigan thanked everyone who had helped make Memorial Day Weekend a success. She thanked Camden's police and fire departments for displaying their community spirit during the weekend festivities, and said the public works department had done a great job putting up road barricades for the parade.

7. **Old Business**

A. Request from the Smokestack Grill for a time extension to comply with conditions of the Special Amusement Permit regarding installation of sound deadening curtains

Zach Cohn came before the Board to request an extension of time for the purchase and installation of sound deadening curtains at his establishment, the Smokestack Grill.

John French said he had felt the July first date that had been placed on the project had been aggressive and recommended to the Board that Cohn be given until the end of July to complete the project. He suggested that a review by the Board could be scheduled for the first meeting in August. Cohn told the Board that he would have the installation completed sooner if it is possible to do so.

John French made a motion that the Smokestack Grill be given until July 31st to comply with conditions of the Special Amusement Permit that had been put in place by the Board on May 15, 2012. A response would be on the agenda for the first meeting in August, and during July the owner of Smokestack Grill would make every effort to keep peace while waiting for the project to be complete. Donald White seconded the motion. It was unanimously approved.

B. Downtown Master Plan: Affirming private property rights.

The Town Manager reported that when the Select Board approved and accepted the Camden Downtown Master Plan on May 15th, they had been clear in their approval that it is a concept plan containing suggestions and ideas. She noted that some of the designs presented in the Master Plan are shown on property that is not Town-owned. Finnigan said that there had been questions from property owners expressing concern that by accepting the Master Plan, the Town might intend to take over private property and develop it as shown on the concept drawings. She said that the Select Board wants to be clear that the Town can not develop private property without the permission of the private property owner, or without the property being given to the Town, or purchasing it. The Town Manager said that she would like to make it clear that the Town has no intention of developing private property without the owner's permission, and that the Town has no legal authority to develop private land unless the Town pays for it.

John French made a motion that the Select Board reaffirms its support for the Downtown Master Plan and further affirms that the Town has no right to develop private property and will not develop any property without the owner's permission. Morgan Laidlaw seconded the motion. It was approved unanimously.

8. New Business

A. Appointments to Mid-Coast Economic Development District General Assembly

Pat Finnigan said that the two General Assembly members from each municipality participate in the governance of Mid-Coast Economic Development District (MCEDD). The terms of our current assembly members, Brian Hodges and Peter Gross, are expiring. Both Gross and Hodges are willing to continue to serve in this capacity.

Donald White made a motion to appoint Peter Gross and Brian Hodges as the Town's representatives to the MCEDD General Assembly. Morgan Laidlaw seconded the motion. It was unanimously approved.

B. Consideration and approval of the Wastewater Treatment Facility FY13 Budget

Wastewater Superintendent Ross Parker spoke to the Board about next year's Wastewater Treatment budget. He said the FY13 budget is similar to this year's budget with a 3% cost of living increase for salaries and benefits, and an increase in laboratory services due to requirements by the State Dept. of Environmental Protection. Next year's budget also includes funding for the wastewater treatment equipment account, he said. Parker told the board that in total, these changes would result in a 4.5% increase in the budget.

To cover this, Parker said that they are recommending a 5% sewer rate increase, which would take effect if the FY13 Wastewater Treatment budget is approved. He reported that the minimum quarterly user fee would go from the current \$38.50 to \$40.40.

Donald White made a motion to approve the Wastewater Department budget in the amount of \$832,200. James Heard seconded the motion. It was unanimously approved.

C. Consideration and Approval of the Seabright Dam FY13 Budget

Superintendent Ross Parker told the Board that the Dam is producing electricity but not at the amount we would like to see. He said that this year, FURC is requiring a 12-point safety inspection to be conducted at a cost of \$13,000. Therefore, Parker noted, the proposed FY13 budget will require a contribution from the General Fund to balance the budget. He said that they are recommending that the General Fund cover the cost of the inspection.

James Heard made a motion to approve the Seabright Dam budget in the amount of \$28,624 of which \$13,000 would come from the General Fund Contingency. John French seconded the motion. It was unanimously approved.

D. Authorize the Town Manager to enter into an agreement with Wright Pierce Engineers to design upgrades to the Mt. Battie St. and Sea St. pump stations.

Superintendent Ross Parker told the Board that the current pump stations at Mt. Battie Street and Sea Street had been built in 1969 and need to be upgraded. He said that Wright Pierce, the engineering firm the Town works with regarding wastewater facilities, had submitted a proposal to do the engineering work for this project. He said that their proposal includes the design, any surveying that is necessary, assistance with the bidding process, and any necessary inspections. Parker said that Wright Pierce had proposed a price of \$118,000 for this phase of the project. He noted that it is a tricky thing to upgrade a pump station while it is in service, and that this company had successfully completed the work on the two pump stations that were previously replaced.

Morgan Laidlaw asked if other bids had been obtained for developing the designs. Parker answered that the Town has a history with Wright Pierce and that no other bids had been obtained. Donald White suggested that in the future it would be a good idea to put projects out to bid to see what other companies might propose.

Donald White made a motion to authorize the Town Manager to enter into an agreement with Wright Pierce to provide engineering and design services for the Mt. Battie St. and Sea St. pump stations. James Heard seconded the motion.

John French commented that Wright Pierce has done well for us over the years and said that he doesn't feel their charges are excessive.

Parker said he had asked Wright Pierce to compare this project to similar ones they had done in other towns, which they had done. He said he felt he had gotten a reasonable explanation from them. He told the Board that on a bigger project, the percentage of cost that goes to the engineering phase would be less.

Martin Cates noted that it is part of a bid process to gather other quotes and said that he is somewhat concerned that we are not checking other sources.

The motion was approved by a vote of 4-1-0, Laidlaw opposed.

E. Authorize the Town Manager to request bids on a new sanitary system at Ragged Mountain.

Will Gartley of Gartley & Dorsky spoke to the Board about the design of the new sewer system at the Ragged Mountain Recreational Area. He explained the factors that had

influenced the placement of the pipes and showed how the system had been designed to “snake” up the mountain. Gartley said he will hold a site walk with prospective bidders on June 14th so that all the bidders understand the challenges of working with the terrain. He added that the system’s design had been based on the existing plan for the new base lodge and said that if that plan changes, then the sewer system would have to be adjusted.

Gartley said that bidders are being asked to work around scheduled events at the Snow Bowl and that the project will be started by mid-July and completed by September 30.

John French asked if they were going to construct an access road up the mountain for trucks. Gartley confirmed that they were, and that the road might be left so that it can be turned into a gravity mountain bike trail. This would save some money in that the road wouldn’t have to be re-seeded and re-established, he said.

John French made a motion to authorize the Town Manager and Parks and Recreation Director to seek bids to construct a replacement septic system at the Snow Bowl according to bid documents prepared by Gartley & Dorsky. Donald White seconded the motion. It was approved unanimously.

F. Utility location permit to establish electrical and telephone service on Start Road.

The Town Manager said that this is a request from CMP to erect a utility pole to provide electrical and telephone service to a new residence on Start Road.

Donald White made a motion to approve the request from Central Maine Power to install utility a pole to establish service to a new residence on Start Road. James Heard seconded the motion. It was approved unanimously.

9. Select Board Closing Comments

Donald White thanked Morgan Laidlaw for his three years of service on the Camden Select Board.

Adjourn

John French made a motion to adjourn the meeting and reconvene as Board of Assessors. Donald White seconded this motion. The motion passed unanimously and the Board reconvened as the Board of Assessors.

1. Removal of land from the Maine Farmland Program located at 350 Belfast Road (in accordance with 36 MRSA §1101-1121)

Pat Finnigan said that this item concerns a parcel of land that does not meet the statutory requirements of being designated as farmland and therefore is not eligible to receive the farmland tax exemption.

John French made a motion to remove property assessed to Patricia Jo-Powell-Fletcher Trust located at 350 Belfast Road from the farmland property tax exemption program, and approve a supplemental Tax Warrant for back taxes, interest and penalty in the amount of \$7,207.61. Morgan Laidlaw seconded the motion. It was passed by a vote of 4-0-1 (James Heard abstained).

Adjourn

Donald White made a motion to adjourn the meeting. Morgan Laidlaw seconded this motion. The motion passed unanimously and the Board adjourned at 9:27pm.

Respectfully submitted,

Karen Brace
Recording Secretary